

**WILLIAMSBURG
BOARD OF ZONING APPEALS
MINUTES**

March 1, 2005

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, March 1, 2005 at 4:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Knudson, Kafes and Lamson. Mrs. White arrived late. Absent was Board member Carr. Staff members present were Zoning Administrator Murphy and Secretary Scott.

CALL TO ORDER and MINUTES

Chairman Knudson called the meeting to order. Mr. Kafes moved that the minutes of the February 1, 2005 meeting be approved as submitted. Mr. Lamson seconded the motion which carried by roll call vote of 3-0.

Recorded vote on the motion:

Aye: Lamson, Knudson, Kafes
No: None
Absent: Carr, White

PUBLIC HEARINGS

BZA #05-006: Request of Timothy McComas and Barbara Gay for a special exception in accordance with Section 21-826 of the Zoning Ordinance to reduce the Resource Protection Area buffer as required by Article VIII, Section 21-826, for property located in the Port Anne Subdivision at 130 Cove Point Lane, zoned PUD. It is proposed to construct a new single-family dwelling that will encroach up to approximately 40 feet into the 50 foot Resource Protection Area buffer. The property is further identified on Williamsburg Tax Map Number 554-(03)-00-070. Tabled.

Chairman Knudson introduced the request for a special exception and noted the three BZA members present today have visited the site:

Knudson, Kafes, and Lamson

Mrs. Knudson also noted that with only three members present today, a unanimous vote will be necessary. She then asked for comments from the applicant.

Williamsburg Board of Zoning Appeals Minutes
March 1, 2005

The owner, Timothy McComas, and his builder/representative, Dave Harvey, came forward. Mr. Harvey stated that the owners have been working for several months on plans that would satisfy not only the requirements of Port Anne, but also those of the City. After three redesigns Port Anne has given their approval on the plans presented here today.

[Mrs. White arrived.]

Mr. Harvey noted that the Port Anne Subdivision was approved prior to the adoption of the Chesapeake Bay Preservation Area and the majority of this lot is located in the Resource Protection Area (RPA). Because of this, regardless of the type of house, any structure will have to be set within the 50' RPA buffer zone. The proposed dwelling would encroach approximately 40' into the lower 50' of the RPA.

Mrs. White stated that she will recuse herself from discussion and abstain from voting on this case due to a conflict of interest.

Comments from the Board included:

- Possible adjustment in location of dwelling on lot. Mr. Harvey responded that some movement can be made, ever so slightly, but enough room must be left in order for a vehicle to turn into the garage.
- Does Port Anne mandate a garage? Mr. Harvey responded that Port Anne now requires a two-car garage.

Chairman Knudson opened the public hearing.

Ed Kelley, 126 Cove Point Lane, said he and his wife live adjacent to the petitioners' lot and they have submitted a letter to the Board in which they noted the plan as submitted "will greatly reduce our view of the College Creek area and commensurately have an adverse affect on the value of our property if not handled in a proper manner". Along with the letter, the Kelley's submitted a suggested modification of the plan where the house could be moved forward and a bit to the right. They asked that the Board make a decision that would not adversely impact on the petitioners or their neighbors.

Joel Sheppard, 39 Whittaker's Mill, stated that he is here today to better understand the issues since he will be confronted with the same problems when he begins construction on the lot next to the one in this case.

There being no additional comment the public hearing was closed.

Williamsburg Board of Zoning Appeals Minutes
March 1, 2005

Mr. Kafes said he is sympathetic with the applicant's position, but would like to have the City Engineer's full approval prior to making a decision on the case. He suggested a smaller house with less intrusion into the rear setback.

Zoning Administrator Murphy noted that the City Engineer has already commented that the house should be shifted to the front of the lot as much as possible. She said as long as it's not pulled too far forward, a variance may not be required.

In addition to the letter from the Kelley's, letters were also received from Heinz and Mareke Schiller, 133 Cove Point Lane; Richard and Betty Stolz, One Frenchmens Key; and Nummer, Marilyn and Becky Adderton, 6 Frenchmens Key in which problems with the proposed exception were expressed. The letters suggest options for resolution of the concerns with this case and express the hope that the building process can progress in a timely fashion for their new neighbors.

Mr. Kafes suggested that the applicant return to the Board with a proposal fully approved by the City Engineer.

Mrs. Knudson stated that based on the major questions before the Board, she is not inclined to vote in favor of the request. The major questions before the Board are:

- Is the requested encroachment the minimum necessary to afford relief?
- Is the special exception consistent with the purpose and intent of the City's Chesapeake Bay Preservation regulations?
- Do reasonable and appropriate conditions need to be imposed to prevent this request from causing a degradation of water quality?

Zoning Administrator Carolyn Murphy, offered the option of tabling the request and allowing the applicant to return to the Board with a redesign.

Mr. Lamson agreed with the suggestion that the applicant return with a redesign that demonstrates less encroachment into the buffer.

Mr. Kafes moved and Mr. Lamson seconded the motion that the request for a special exception be tabled until the next BZA meeting, April 5. The motion carried by roll call vote of 3-0-1.

Recorded vote on the motion:

Aye:	Knudson, Kafes, Lamson
No:	None
Abstain:	White
Absent:	Carr

Williamsburg Board of Zoning Appeals Minutes
March 1, 2005

OLD BUSINESS – None

NEW BUSINESS - None

There being no further business the meeting adjourned at 4:40 p.m.

Respectfully submitted,

Judith Knudson, Chairman
Board of Zoning Appeals